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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 5311**
Akira TAKAYA et al. : **Attorney Docket No. 2005_0370A**
Serial No. 10/527,698 : **Group Art Unit 1794**
Filed April 11, 2005 : **Examiner Brent T. Ohern**
METHOD OF MANUFACTURING : **Mail Stop: AF**
SOYBEAN-DERIVED FOOD
MATERIAL AND PROCESSED FOOD

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

RESPONSE TO FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37.CFR.116
EXPEDITED PROCEDURE
EXAMINING GROUP-----1700

Sir:

Responsive to the Office Action of December 11, 2008, Applicants submit the following remarks in support of the patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims. Further and favorable reconsideration is respectfully requested in view of these remarks.

Initially, Applicants' attorney expresses his appreciation for the courtesy of the Examiner in providing English translations of the applied references.

The rejection of claims 1 and 3 under 35 U.S.C. §103(a) as being unpatentable over Miyabe et al. (JP '458) in view of Iwaski (JP '038) is respectfully traversed.

JP '458 relates to a method of producing palatable and creamy okara with good flavor. However, in the paragraph "Means for solving the problems" in JP '458 (see paragraph [0007]), the reference discloses that "we have obtained the information in that, even when okara obtained by the conventional method is processed by grinding or the like manner to be in the form of fine particles, target flavor or texture cannot be obtained." In other words, JP '458 faults, and does